

1

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL APPLICATION (APL) NO.585 OF 2021

1. Sameer s/o Sheshraoji Shrirame,
Aged about 34 years, occupation
business, r/o plot No.32 Suryadev
Apartment, Trimurti Nagar, taluka and
district Nagpur.

2. Nitin s/o Harish Mirchandani, aged
about 34 years, occupation business, r/o
Sindhi Colony, Khamala, taluka and district
Nagpur. **Applicants.**

:: V E R S U S ::

The State of Maharashtra, through
its Police Station Officer,
Police Station Ranapratap Nagar,
Taluka and district Nagpur. **Non-applicant.**

=====

Shri Tejas Deshpande, Counsel for Applicants.
Mrs.M.A.Barabde, Addl.PP. for the Non-applicant/State.

=====

CORAM : **V.M.DESHPANDE, &**
AMIT B.BORKAR, JJ.
DATE : **JUNE 25, 2021**

ORAL JUDGMENT (Per : Amit B.Borkar, J.)

1. Hearing was conducted through video conferencing
and learned counsel agreed that audio and visual quality was
proper.

.....2/-

2

2. Heard learned counsel Shri Tejas Deshpande for applicants and learned Additional Public Prosecutor Mrs.M.A.Barabde for the non-applicant/State. **Rule.** Rule made returnable forthwith. Heard finally by consent of learned counsel for parties.

3. This is an application under Section 482 of the Code of Criminal Procedure for quashing of First Information Report No.108/2021 dated 17.3.2021 registered with the non-applicant/Ranapratap Nagar Police Station, Nagpur for offences punishable under Sections 294, 504, 506(2), 452, and 323 of the Indian Penal Code.

4. Applicant No.1 lodged the First Information Report against applicant No.2 stating in the report that he and applicant No.2 were friends. He runs a Readymade Garments Shop and for the said business he had taken amount Rs.4,50,000/- from applicant No.2 on a condition of payment of interest of 10% per month. There was dispute between him and applicant No.2 due to failure to repay the said amount.

3

It is alleged that due to non payment of the amount applicant No.2 assaulted applicant No.1 and threatened applicant No.1 and, therefore, applicant No.1 registered the First Information Report.

5. During pendency of Investigation, applicant Nos.1 and 2 have decided to mutually resolve their dispute and have, therefore, filed present criminal application for quashing of the First Information Report.

6. We have heard learned counsel Shri Tejas Deshpande for applicants and learned Additional Public Prosecutor Mrs.M.A.Barabde for the non-applicant/State. We have carefully considered the First Information Report and averments made in the application. On consideration of averments in the application it appears that applicant Nos.1 and 2 have mutually resolved their dispute and applicant No.1 does not want to prosecute applicant No.2.

7. Applicant Nos.1 and 2 are present in office of learned counsel for applicants. We have enquired applicant No.1 as to

.....4/-

4

whether settlement between him and applicant No.2 is out of force or coercion. Application No.1 stated that since applicant Nos.1 and 2 have mutually resolved their dispute, he does not want to prosecute applicant No.2.

8. Since applicant No.1 does not want to prosecute applicant No.2, chances of conviction are bleak. The Apex Court in the case of Madan Mohan Abbot vs. State of Punjab reported at (2008)4 SCC 582 has held that when chances of conviction are bleak, it is advisable to quash First Information Report so that time in such cases can be utilized for more deserving cases.

9. Since we are satisfied that allegations in the First Information Report do not gave rise to offence alleged against applicant No.2 and since applicant Nos.1 and 2 have mutually resolved their dispute, there is no impediment for quashing of the First Information Report lodged against applicant No.2. We, therefore, pass following order:

ORDER

(1) The criminal application is allowed.

.....5/-

5

(2) First Information Report No.108/2021 dated 17.3.2021 registered with the non-applicant/Ranapratap Nagar Police Station, Nagpur for offences punishable under Sections 294, 504, 506(2), 452, and 323 of the Indian Penal Code is hereby quashed and set aside.

Rule is made absolute in above terms.

JUDGE

JUDGE

!! BRW !!

...../-